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**AB-2154 Mental health: involuntary treatment.** (2023-2024)

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**Assembly Bill No. 2154**

**CHAPTER 635**

An act to add Section 5325.4 to the Welfare and Institutions Code, relating to mental health.

[ Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2154, Berman. Mental health: involuntary treatment.

Under existing law, a person who, as a result of a mental health disorder, is a danger to self or others or is gravely disabled, may, upon probable cause, be taken into custody and placed in a facility designated by the county and approved by the State Department of Health Care Services for up to 72 hours for evaluation and treatment. Existing law provides that each person who is involuntarily detained for evaluation or treatment, as specified, or admitted as a voluntary patient for psychiatric evaluation or treatment to a health facility, as specified, and each person who is committed to a state hospital, has certain rights, including the right to receive a copy of the State Department of Health Care Services prepared patients' rights handbook.

This bill would require a facility to which a person is brought for involuntary detention to offer and provide a copy of the State Department of Health Care Services' prepared patients' rights handbook to a family member of the detained person, as specified. The bill would require a facility where a person is involuntarily detained for assessment to offer and provide the person with a copy of the handbook if the handbook has been provided to a family member. The bill would define "family member" for these purposes to include, among others, the spouse or domestic partner of the person and the parent or legal guardian of the person.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 5325.4 is added to the Welfare and Institutions Code, to read:

**5325.4.** (a) If a person is involuntarily detained for assessment, evaluation, or treatment under this part, the facility to which the person is brought shall offer and provide a copy of the State Department of Health Care Services' prepared patients' rights handbook to a family member of the detained person under any of the following circumstances:

- (1) The person authorizes the disclosure of their detainment information pursuant to Section 5328.1.
- (2) The family member is physically present at the facility where the person is involuntarily detained and has knowledge that the individual is involuntarily detained there.
- (3) The family member has been notified of the person's presence in the facility pursuant to Section 5328.1.
- (4) The person has consented to the family member being provided the handbook.

(b) (1) The handbook may be provided to a family member in a printed or digital copy.

(2) The facility may also provide a referral to the Patients' Rights Advocacy Directory internet website or another local, state, or national organization with related expertise.

(c) If the handbook is provided to a family member pursuant to subdivision (a), then the facility where the person is involuntarily detained for assessment shall also offer and provide a printed or digital copy of the handbook to the person.

(d) For purposes of this section, "family member" means any of the following:

(1) The spouse or domestic partner of the person.

(2) An adult child of the person.

(3) A parent or legal guardian of the person.

(4) A grandparent of the person.

(5) An adult sibling of the person.

(6) An adult grandchild of the person.

(7) An adult relative or close personal friend who has demonstrated special care and concern for the person and is familiar with the person's personal values and beliefs to the extent known.

(e) This section does not authorize the disclosure of patient information that is protected under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Public Law 104-191), the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code), or the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000)).